Summary of Examiner Interview

Applicants would like to thank Examiner Huynh for granting an interview on January 23, 2009, and for considering proposed amendments and arguments regarding deficiencies in the prior art, particularly the Gentner reference.

During the interview, Examiner Huynh noted errors of antecedent basis in the proposed amended claim language. Applicants have amended the claim language in compliance with Examiner Huynh's suggestions and thank Examiner Huynh for his corrections.

With respect to the 35 U.S.C. § 112, first paragraph rejections, Applicants attempted to clarify the support in the Specification for claim elements found in claims 69 and 76. With respect to the 35 U.S.C. § 102(e) rejections, Applicants also attempted to clarify that the claimed invention involves a method for controlling computer functions wherein an appropriate mode of operation is based on the originating input device of a signal. In contrast, Gentner involves a method for changing a display based on different entries into a common input device, such as an alphanumeric keyboard. Examiner Huynh agreed that this limitation appeared to distinguish the claimed invention from the cited Gentner reference. Examiner Huynh suggested Applicants present formal amendments outlining this distinction. The present communication is submitted in this regard.

REMARKS

Applicants respectfully request reconsideration of the present Application. Claims 58, 59, 69, and 76 have been amended herein. Care has been exercised to introduce no new matter. Claims 58-82 are pending and are in condition for allowance.

Rejections based on 35 U.S.C. § 112

Claims 69-82 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. With regard to limitations recited in independent claims 69 and 76, the Office Action asserted each of the claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, specifically stating "[t]he specification fails to provide a detail description for the claimed limitation 'executing said application program in response to said second signal' and 'displaying a menu responsive to said first signal, wherein said menu is displayed only after said application is executed', i.e., how the second input signal being executed prior the first input signal." *Office Action*, page 2. Applicants respectfully traverse the rejection.

Applicants provide support within the specification for the above claim limitations. Claim limitation "executing said application program in response to said second signal" is supported by the excerpt: "[t]o facilitate the easy selection of a popular application or task the present inventions includes numerical accelerators which are displayed on a user's display corresponding to available menu items. To select a specific application or task a user presses the appropriate numerical button on the user's remote control." *Specification*, [0017] (emphasis added).

Claim limitation "displaying a menu responsive to said first signal, wherein said menu is displayed only after said application is executed" is supported by the excerpt: "[t]he menu button is contemplated to be application dependent in that the options available through its operation may be tailored to the currently running application." *Specification*, [0016] (emphasis added). For the menu to be "application dependent," it is inherent that an application must first be executed, and currently running, before a menu may be displayed in response to said first signal.

Applicants submit that the above-discussed portions of the original disclosure, in conjunction with the remaining sections of the specification, and the figures, provide an adequate written description for "executing said application program in response to said second signal" and "displaying a menu responsive to said first signal, wherein said menu is displayed only after said application is executed" as recited in independent claims 69 and 76. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

Claims 70-75 and 77-82 depend directly or indirectly from independent claims 69 and 76. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejections of these claims as well.

Rejections based on 35 U.S.C. § 102(e)

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdeggal Brothers v. Union Oil co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . .

claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 2 USPQ 2d 1913, 1920 (Fed. Cir.

1989). *See also*, MPEP § 2131.

        Claims 58-82 were rejected under 35 U.S.C. § 102(e) as being anticipated by

Gentner, U.S. Patent No. 5,796,404. As Gentner fails to describe, either expressly or inherently,

each and every element recited in the claims, Applicants respectfully traverse this rejection, as

hereinafter set forth.

Independent Claim 58

Independent claim 58, as amended herein, recites a system for controlling computer

functions. The system is capable of operating in a plurality of modes, where each mode is

associated with at least one mutually exclusive input device. The plurality of modes comprise at

least a first mode and a second mode, and the mode is determined by the origin of signal from a

mutually exclusive input device associated with a mode.

The system comprises a first means for generating a first signal indicating that a menu

should be displayed, for generating a second signal indicating a numeric selection and for

generating a third signal indicating that an application specific function should be performed if

the application is operating in said first mode. It also comprises a second means for displaying

data and a third means for receiving the first, second and third signals generated by the first

means. In response to receiving the first signal, a second means displays a menu comprising

choices of at least one application program at least one of which has an associated numeric

accelerator. In response to receiving said second signal, the application program associated with

the corresponding numeric accelerator is launched. In response to receiving the third signal, the

launched application program performs a function pertinent to that particular application

program, if said system is operating in said first mode. In the system, the generation of at least

one of said first signal, said second signal, and said third signal causes said third means to switch from a first mode of operation to a second mode of operation. *Specification*, claim 58.

By way of contrast, Gentner describes a computer system that allows alphanumeric keyboard access to objects in a graphical user interface by changing the nature of the graphical user interface in response to an input key or sequence from the aforementioned alphanumeric keyboard. *See Generally Gentner*. Gentner discloses a means by which an alphanumeric keyboard may be used to modify a display by depressing one or more label keys. *See Gentner*, Figures 2-3, [5:33-38]. As such, Gentner fails to describe, either expressly or inherently, each and every element of the present invention's system for controlling computer functions because Gentner fails to differentiate the mode of its display based on the input device. In contrast, the present invention discloses an operating system that determines "the origin of at least one of a first, second and third signal from a mutually exclusive input device, wherein the determination …causes said third means to switch from a first mode of operation to a second mode of operation if said originating mutually exclusive device differs from the originating mutually exclusive device governing the previous mode of operation." *Specification*, claim 58.

Accordingly, it is respectfully submitted that Gentner fails to describe, either expressly or inherently, each and every element of amended independent claim 58. Thus, it is respectfully submitted that claim 58 as amended herein is not anticipated by Gentner. Therefore withdrawal of the 35 U.S.C. § 102(e) rejection of claim 58 is respectfully requested.

Independent Claim 69

Independent claim 69, as amended herein, recites a method for controlling computer functions. The method comprises receiving a first signal and a second signal, said second signal being associated with an application program. It further comprises determining an appropriate

mode of operation based on the originating input device of said signal and executing said application program in response to said second signal in the appropriate mode of operation. It also comprises displaying a menu responsive to said first signal, wherein said menu is displayed only after said application is executed.

By way of contrast, Gentner describes a computer system that allows alphanumeric keyboard access to objects in a graphical user interface by changing the nature of the graphical user interface in response to an input key or sequence from the aforementioned alphanumeric keyboard. *See Generally Gentner*. Gentner discloses a means by which an alphanumeric keyboard may be used to modify a display by depressing one or more label keys. *See Gentner*, Figures 2-3, [5:33-38]. As such, Gentner fails to describe, either expressly or inherently, each and every element of the present invention's system for controlling computer functions because Gentner fails to differentiate mode of its display based on the input device. In contrast, the present invention discloses an operating system that determines "an appropriate mode of operation based on the originating input device of said signal." *Specification*, claim 69.

Accordingly, it is respectfully submitted that Gentner fails to describe, either expressly or inherently, each and every element of amended independent claim 69. Thus, it is respectfully submitted that claim 69 as amended herein is not anticipated by Gentner. Therefore withdrawal of the 35 U.S.C. § 102(e) rejection of claim 69 is respectfully requested.

Independent Claim 76

Independent claim 76, as amended herein, recites a system for controlling computer functions. The system comprises a receiver for receiving a first signal and a second signal, said second signal being associated with an application program. It also comprises a processor for determining the mode of operation based on the originating input device of said signal and

executing said application program in response to said second signal in the appropriate mode of operation. It further comprises a display device for displaying a menu responsive to said first signal, wherein said menu is displayed only after said application is executed.

By way of contrast, Gentner describes a computer system that allows alphanumeric keyboard access to objects in a graphical user interface by changing the nature of the graphical user interface in response to an input key or sequence from the aforementioned alphanumeric keyboard. *See Generally Gentner*. Gentner discloses a means by which an alphanumeric keyboard may be used to modify a display by depressing one or more label keys. *See Gentner*, Figures 2-3, [5:33-38]. As such, Gentner fails to describe, either expressly or inherently, each and every element of the present invention's system for controlling computer functions because Gentner fails to differentiate mode of its display based on the input device. In contrast, the present invention discloses an operating system that determines "the mode of operation based on the originating input device of said signal." *Specification*, claim 76.

Accordingly, it is respectfully submitted that Gentner fails to describe, either expressly or inherently, each and every element of amended independent claim 76. Thus, it is respectfully submitted that claim 76 as amended herein is not anticipated by Gentner. Therefore withdrawal of the 35 U.S.C. § 102(e) rejection of claim 76 is respectfully requested.

Claims 59-68, 70-75, and 77-82 depend directly or indirectly from independent claims 58, 69, and 76. As such, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(e) rejections of these claims as well.

CONCLUSION

For at least the reasons stated above, claims 58-82 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or kadsmith@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/ Kristin D. Smith /

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